

### **DETAILED ACTION**

This action is responsive to the amendment filed April 7, 2008 in response to the decision of the Board of Patent Appeals and Interferences mailed February 7, 2008. Claims 1-39 were pending. *Claims 1-39 are allowed.*

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ashok Mannava on May 20, 2008.

For purposes of examination, the deletion of such embodiments on page 13 of the specification is being treated as an explicit act to remove such embodiments from the scope of the claims.

The application has been amended as follows:

#### Claims

1. A computer program product for use in conjunction with a client computer system having at least one application having instructions for specifying files to be fetched from a server, the computer program product comprising a ~~tangible computer readable storage medium~~ computer hardware storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising:

a prefetch prediction model including energy usage parameters for predicting an impact on energy usage by the client computer system that would result from prefetching specified files;

a prefetch prediction engine coupled to the prefetch prediction model for evaluating the specified files with respect to prefetch criteria, including energy efficiency prefetch criteria, and generating a prefetch decision with respect to each file of the specified files;

instructions for storing in a queue entries identifying each specified file for which the prefetch prediction engine generates an affirmative prefetch decision; and instructions for fetching files identified by entries in the queue.

37. A computer program product for use in conjunction with a client computer system having at least one application having instructions for specifying files to be fetched from a server, the computer program product comprising a ~~tangible computer-readable storage medium~~ computer hardware storage medium and a computer program mechanism embedded therein, the computer program mechanism comprising:

a prefetch prediction model including cost parameters for predicting an impact on monetary charges incurred by the client computer system that would result from prefetching specified files;

a prefetch prediction engine coupled to the prefetch prediction model for evaluating the specified files with respect to prefetch criteria, including cost efficiency prefetch criteria, and generating a prefetch decision with respect to each file of the specified files; instructions for storing in a queue entries identifying each specified file

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for which the prefetch prediction engine generates an affirmative prefetch decision; and instructions for fetching files identified by entries in the queue.

### Specification

Please amend page 13, lines 17-24 of the specification as follows:

The present invention can be implemented as a computer program product that includes a computer program mechanism embedded in a computer readable storage medium. For instance, the computer program product could contain the program modules shown in Figs. 1 or 6 or both. These program modules may be stored on a computer hardware storage medium such as a CD-ROM, magnetic disk storage product, or computer transmission type media such as any other computer readable data ~~or program storage product~~. The software modules in the computer program product may also be distributed electronically, via the Internet or otherwise, by transmission of a computer data signal (in which the software modules are embedded) on a carrier wave.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach neither singly nor in combination, the claimed limitations of a prefetch prediction model including energy usage and cost parameters for predicting an impact on energy usage and monetary charges incurred by the client computer system that would result from prefetching specified files and prefetching files based on energy efficiency prefetch criteria as stated in claims 1, 11, 21, 32, and 37-39. These limitations, in conjunction with other limitations in the independent claims, are not

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specifically disclosed or remotely suggested in the prior art of record. A review of claims 1-39 indicated claims 1-39 are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Gillis whose telephone number is (571)272-7952. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Brian J Gillis  
Examiner  
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Examiner, Art Unit 2141  
5/20/2008

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